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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,467	02/22/2002	Troy Curtiss	UTL 00180	8385

7590

08/12/2005

Kyocera Wireless Corp.  
Attn: Patent Department  
PO Box 928289  
San Diego, CA 92192-8289

EXAMINER

CUMMING, WILLIAM D

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,467

Applicant(s)

CURTISS &amp; LEMLEY

Examiner

WILLIAM D. CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on June 10, 2005 has been entered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step of storing accessory control data in the accessory without connection to the electronic device as stated by claim 5 and storing data in the non-volatile memory without connection to the communication device as stated by claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification inadequately describes and fails to originally support the now claimed storing the control data and/or accessory version ID without connection to the communication device as stated in claims 1, 5, 10, 15, 20, and 21. The "*written description*" of the invention required by first paragraph of 35 USC §112 is separate and distinct from that paragraph's requirement of enabling disclosure, since description must do more than merely provide explanation of how to "*make and use*" the invention. Applicant must also convey, with reasonable clarity to those skilled in the art, that applicant, as of the filing date sought, was in possession of the invention, with the invention being, for purpose of "*written description*" inquiry, whatever is presently claimed. Drawings alone may, under proper circumstances, provide "*written description*" of the invention required by 35 USC §112, and whether the drawings are from design application or utility application is not determinative. In order to satisfy "*written description*"

requirement of 35 USC §112, the proper test is whether drawings conveys, with reasonable clarity to those of ordinary skill in the art, the claim subject matter.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-4 and 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nordwall** in view of **Lee**.

**Nordwall** disclose all subject matter, note paragraph 2 of the Office action dated August 12, 2004, except for a non-volatile memory storing an accessory version ID. **Lee** teaches the use of a non-volatile memory (*"Thus-described basic map may be stored in a memory to be mounted into a user device at manufacturing stage. The basic map is stored in a non-volatile memory such as a flash memory, or CD-ROM to be incorporated within a user device. More preferably, the basic map is stored in a re-writable non-volatile memory such as flash memory."*) storing an accessory version ID (*"at least one traffic state data in section-wise, wherein each of the traffic state data is to be used for designating an attribute of the vector entity included in corresponding section of the traffic section map. The the user device may further store at least one basic map. Each section of the traffic section map may further include a section discriminating code which is preferably an attribute designating command(e.g. color designating command). In preferred embodiments, the traffic state data is a color value and the map identifier comprises a version identification."*) in a system for interfacing a communication device with an accessory for the purpose of identifying a version of an component, in this case a map, and storing that version in a memory which can not be erased. Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a non-volatile memory storing an accessory version ID, as taught by

Lee, for the purpose of identifying a version of an component and storing that version in a memory which can not be erased, in the in a system for interfacing a communication device with an accessory of **Nordwall** in order to provide an up to date information to the communication device.

Regarding the new limitation of storing the control data and/or accessory version ID without connection to the communication device, **Nordwall** clearly states, "The parameter values are retrieved by the same or **a different mobile station** on a subsequent occasion and used to perform the ancillary function without having to recalculate the parameter values."

And, "When the accessory item is connected to the subscriber station **one or more of the parameter values stored in the memory** of the accessory are provided to the subscriber station as part of the performance of the ancillary function by the accessory. In one embodiment, the accessory provides hands free mobile subscriber capabilities and in another it provides voice recognition and control capabilities for the mobile subscriber station. In still another embodiment the accessory item is a battery charger."

And, "**In contrast with the prior art systems**, the system of the present invention, illustrated in FIG. 1, provides within a mobile accessory unit 11 itself, **a memory 12 within which is stored parameter values calculated for use in performing the ancillary function of the accessory.** In the case in which the accessory is a hands free unit the parameter values are unique to the acoustic environment in which the accessory item 11 is located. The memory 12 may



*include reasonable memory devices such as a flash memory or an electronically erasable programmable read only memory (EEPROM)."*

Regarding claims 11 and 13 note paragraph 4 of the Office action dated August 12, 2004.

11. Claims 5-9 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over **Nordwall** in view of **Peng**.

**Nordwall** disclose all subject matter, note paragraphs 2 and 4 of the Office action dated August 12, 2004, except for comparing the accessory control data version identification data to control data version identification data on the electronic device. **Peng** teaches the use of comparing the accessory control data version identification data to control data version identification data on the electronic device ("*Yet another method for managing information in a mobile device comprises the steps of receiving an update notification to update a set of files stored in a local cache, the update notification including an update version identification, dynamically generating an original version identification for the set of files, comparing the update version identification to the original version identification, marking the set of files as out-dated if the update version identification is different than the original version identification, and automatically updating the set of files prior to processing a loading or execution command. In an exemplary embodiment, the set of files is a set of application files or a set of data set files.*") in a method for providing control data to an electronic device for

the purpose of managing information in a mobile device. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of comparing the accessory control data version identification data to control data version identification data on the electronic device, as taught by **Peng**, for the purpose of managing information in a mobile device in the method for providing control data to an electronic device of **Nordwall** in order to receive an update notification to update a set of files stored in a local cache.

12. Claim 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nordwall** in view of **Lee** and **Peng**.

**Nordwall** disclose all subject matter, note paragraph 2 of the Office action dated August 12, 2004, except for a non-volatile memory storing an accessory version ID. **Lee** teaches the use of a non-volatile memory ("*Thus-described basic map may be stored in a memory to be mounted into a user device at manufacturing stage. The basic map is stored in a non-volatile memory such as a flash memory, or CD-ROM to be incorporated within a user device. More preferably, the basic map is stored in a re-writable non-volatile memory such as flash memory.*") storing an accessory version ID ("*at least one traffic state data in section-wise, wherein each of the traffic state data is to be used for designating an attribute of the vector entity included in corresponding section of the traffic section map. The the user device may further store at least one basic map. Each*")

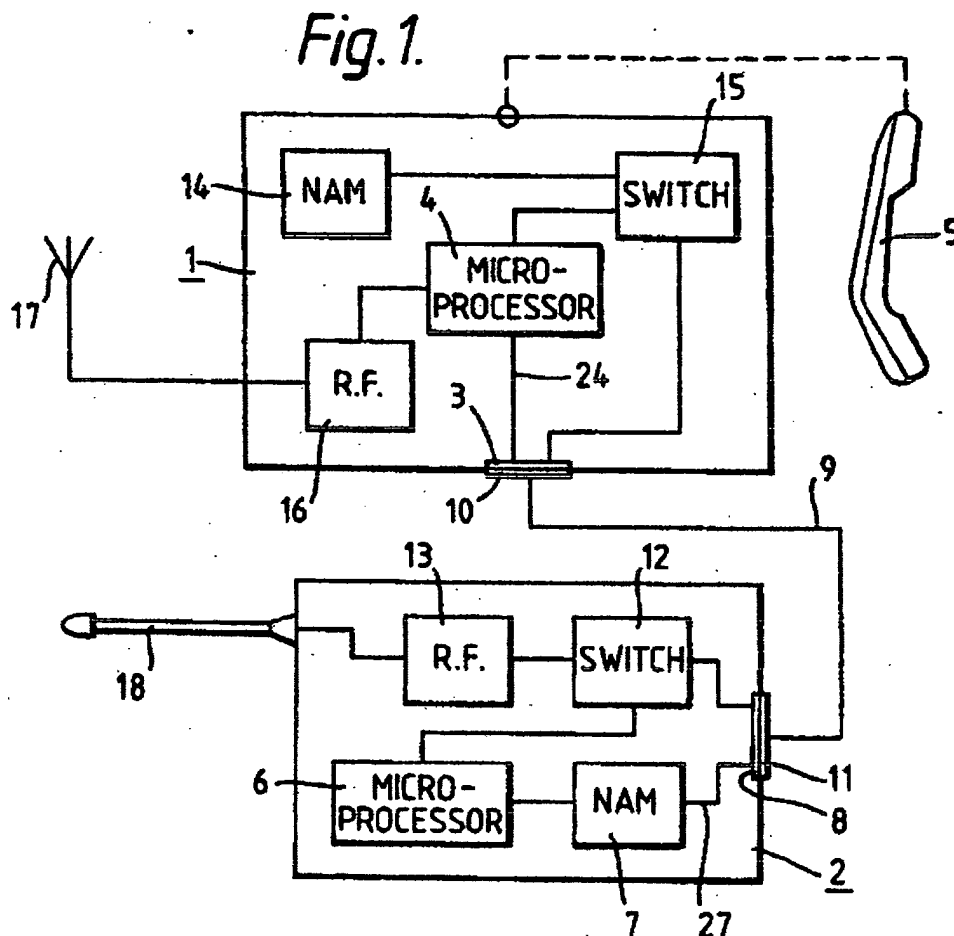
*section of the traffic section map may further include a section discriminating code which is preferably an attribute designating command(e.g. color designating command). In preferred embodiments, the traffic state data is a color value and the map identifier comprises a version identification.”)* in a system for interfacing a communication device with an accessory for the purpose of identifying a version of an component, in this case a map, and storing that version in a memory which can not be erased. Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a non-volatile memory storing an accessory version ID, as taught by **Lee**, for the purpose of identifying a version of an component and storing that version in a memory which can not be erased, in the in a system for interfacing a communication device with an accessory of **Nordwall** in order to provide an up to date information to the communication device.

**Nordwall** disclose all subject matter, note paragraphs 2 and 4 of the Office action dated August 12, 2004, except for comparing the accessory control data version identification data to control data version identification data on the electronic device. **Peng** teaches the use of comparing the accessory control data version identification data to control data version identification data on the electronic device (“*Yet another method for managing information in a mobile device comprises the steps of receiving an update notification to update a set of files stored in a local cache, the update notification including an update version identification, dynamically generating an original version identification for the set*

*of files, comparing the update version identification to the original version identification, marking the set of files as out-dated if the update version identification is different than the original version identification, and automatically updating the set of files prior to processing a loading or execution command. In an exemplary embodiment, the set of files is a set of application files or a set of data set files.”)* in a method for providing control data to an electronic device for the purpose of managing information in a mobile device. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of comparing the accessory control data version identification data to control data version identification data on the electronic device, as taught by **Peng**, for the purpose of managing information in a mobile device in the method for providing control data to an electronic device of **Nordwall** in order to receive an update notification to update a set of files stored in a local cache.

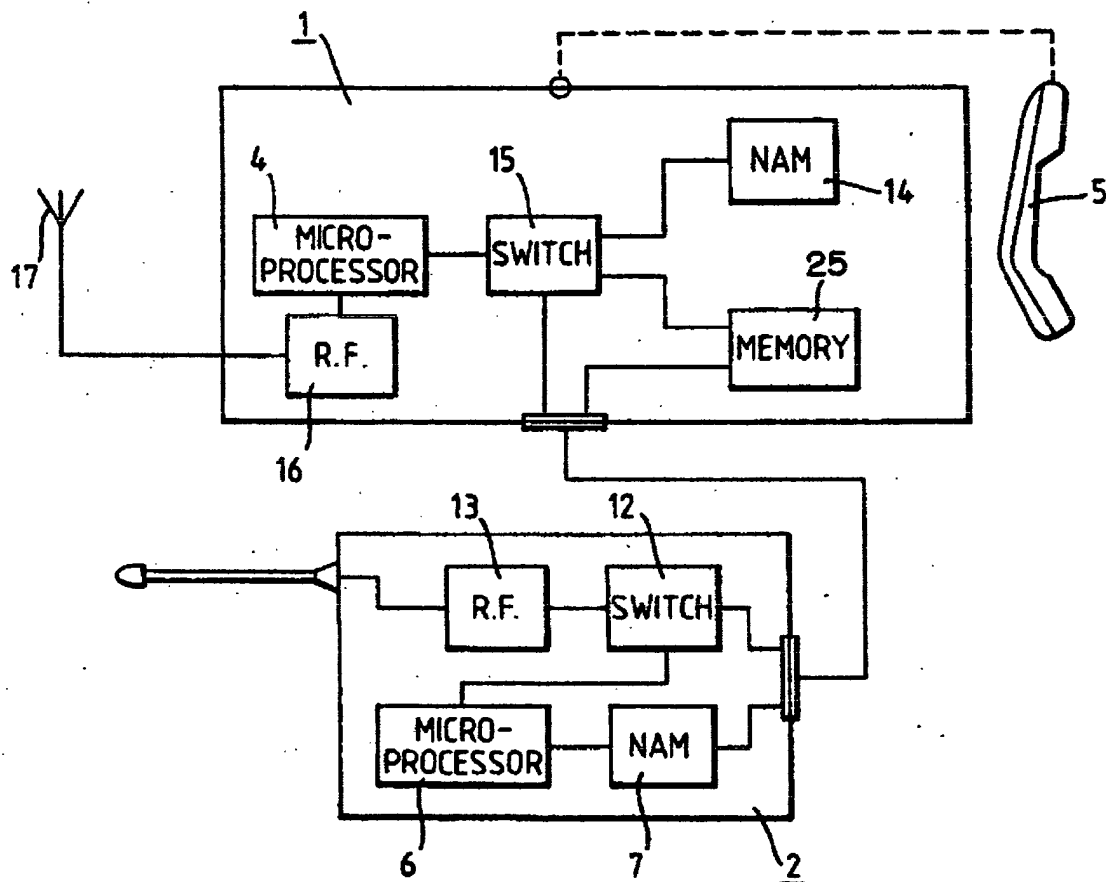
13. Claims 1, 2, 4, 10-13, 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimmett, et al** in view of **Lee**.

**Grimmett, et al** disclose all subject matter, note figure figures 1, 3, 4 and column 3, line 10 to column 5, line 7, except for a non-volatile memory storing an accessory version ID.



**Lee** teaches the use of a non-volatile memory ("Thus-described basic map may be stored in a memory to be mounted into a user device at manufacturing stage. The basic map is stored in a non-volatile memory such as a flash memory, or CD-ROM to be incorporated within a user device. More preferably, the basic map is stored in a re-writable non-volatile memory such as flash memory.") storing an accessory version ID ("at least one traffic state data in section-wise, wherein each of the traffic state data is to be used for designating an attribute of the vector entity included in corresponding section of the traffic section map. The user device may further store at least one basic map. Each section of the traffic

section map may further include a section discriminating code which is preferably an attribute designating command(e.g. color designating command). In preferred embodiments, the traffic state data is a color value and the map identifier comprises a version identification.") in a system for interfacing a communication device with an accessory for the purpose of identifying a version of an component, in this case a map, and storing that version in a memory which can not be erased.

*Fig.3.*

Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a non-volatile memory storing an accessory version ID, as taught by **Lee**, for the purpose of identifying a version of an component and storing that version in a memory which can not be erased, in the in a system for interfacing a communication device with an accessory of **Grimmett, et al** in order to provide an up to date information to the communication device.

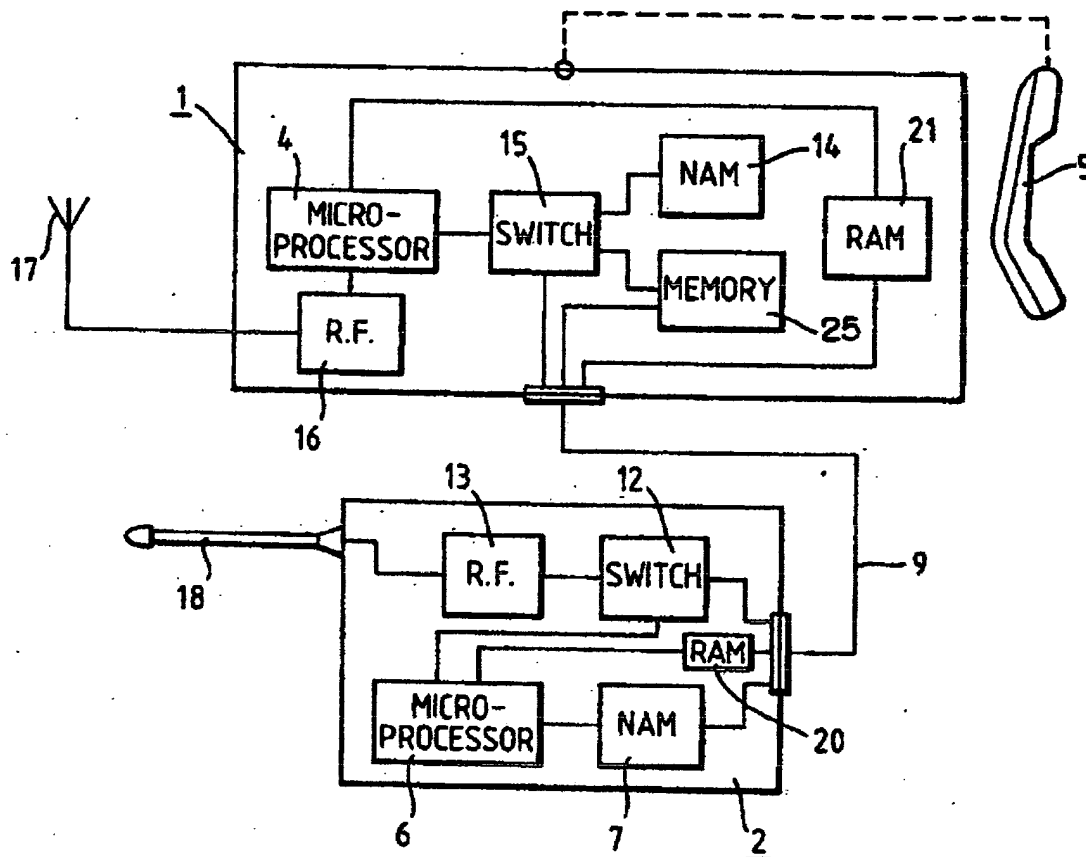
14. Claims 5-9 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimmett, et al** in view of **Peng**.

**Grimmett, et al** disclose all subject matter, note figure figures 1, 3, 4 and column 3, line 10 to column 5, line 7, except for comparing the accessory control data version identification data to control data version identification data on the electronic device. **Peng** teaches the use of comparing the accessory control data version identification data to control data version identification data on the electronic device (*"Yet another method for managing information in a mobile device comprises the steps of receiving an update notification to update a set of files stored in a local cache, the update notification including an update version identification, dynamically generating an original version identification for the set of files, comparing the update version identification to the original version identification, marking the set of files as out-dated if the update version identification is different than the original version identification, and automatically*

*updating the set of files prior to processing a loading or execution command. In an exemplary embodiment, the set of files is a set of application files or a set of data set files."*) in a method for providing control data to an electronic device for the purpose of managing information in a mobile device. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of comparing the accessory control data version identification data to control data version identification data on the electronic device, as taught by **Peng**, for the purpose of managing information in a mobile device in the method for providing control data to an electronic device of **Grimmett, et al** in order to receive an update notification to update a set of files stored in a local cache.



*Fig.4.*



15. Claim 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimmett, et al** in view of **Lee** and **Peng**.

**Grimmett, et al** disclose all subject matter, note figure figures 1, 3, 4 and column 3, line 10 to column 5, line 7, except for a non-volatile memory storing an accessory version ID. **Lee** teaches the use of a non-volatile memory ("*Thus-described basic map may be stored in a memory to be mounted into a user*

*device at manufacturing stage. The basic map is stored in a non-volatile memory such as a flash memory, or CD-ROM to be incorporated within a user device. More preferably, the basic map is stored in a re-writable non-volatile memory such as flash memory.”) storing an accessory version ID (“at least one traffic state data in section-wise, wherein each of the traffic state data is to be used for designating an attribute of the vector entity included in corresponding section of the traffic section map. The the user device may further store at least one basic map. Each section of the traffic section map may further include a section discriminating code which is preferably an attribute designating command(e.g. color designating command). In preferred embodiments, the traffic state data is a color value and the map identifier comprises a version identification.”) in a system for interfacing a communication device with an accessory for the purpose of identifying a version of an component, in this case a map, and storing that version in a memory which can not be erased. Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a non-volatile memory storing an accessory version ID, as taught by **Lee**, for the purpose of identifying a version of an component and storing that version in a memory which can not be erased, in the in a system for interfacing a communication device with an accessory of **Grimmett, et al** in order to provide an up to date information to the communication device.*

**Grimmett, et al** disclose all subject matter, note figure figures 1, 3, 4 and column 3, line 10 to column 5, line 7, except for comparing the accessory control data version identification data to control data version identification data on the electronic device. **Peng** teaches the use of comparing the accessory control data version identification data to control data version identification data on the electronic device ("*Yet another method for managing information in a mobile device comprises the steps of receiving an update notification to update a set of files stored in a local cache, the update notification including an update version identification, dynamically generating an original version identification for the set of files, comparing the update version identification to the original version identification, marking the set of files as out-dated if the update version identification is different than the original version identification, and automatically updating the set of files prior to processing a loading or execution command. In an exemplary embodiment, the set of files is a set of application files or a set of data set files.*") in a method for providing control data to an electronic device for the purpose of managing information in a mobile device. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of comparing the accessory control data version identification data to control data version identification data on the electronic device, as taught by **Peng**, for the purpose of managing information in a mobile device in the method for providing control data to an electronic device of

**Grimmett, et al** in order to receive an update notification to update a set of files stored in a local cache.

16. Claims 3, 8, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimmett, et al** in view of **Lee** as applied to claims above, and further in view of **Nordwall**.

**Nordwall** teaches the use of a communication device accessory comprises a speaker phone (*"wherein said accessory item provides hands free mobile subscriber capabilities and includes a microphone and speaker."*) in a system interfacing a communication device with an accessory for the purpose of storing parameters values in the memory of the accessory related to speaker dependent voice recognition. Hence, it would have been obvious for one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of use of a communication device accessory comprises a speaker phone, as taught by **Nordwall**, in the system interfacing a communication device with an accessory of **Grimmett, et al** in view of **Lee** in order to store parameters values in the memory of the accessory related to speaker dependent voice recognition.

***Response to Amendment*****17. New Patents Central FAX Number And Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence**

The United States Patent and Trademark Office (Office) requires most patent related correspondence to be: **a)** faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), **b)** hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), **c)** mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or **d)** transmitted to the Office using the Office's Electronic Filing System. This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence.

**New Central FAX Number:** On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

**General "Centralized Delivery" Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window, and facsimile transmissions must be sent to the Central FAX number (571-273-8300), unless an exception, as noted below, applies. Exceptions to the general policy of "centralized delivery" generally involve situations where special handling of the patent related correspondence is available. All the current exceptions are listed in this notice. Correspondence which is not related to a specific patent or patent application, such as a question on policy, on employment, or other general inquiry, is not covered by this notice.

**Updated Lists of Exceptions:** Lists I and II below set forth all the current exceptions to the "centralized delivery" policy and reflect certain changes since exceptions were last published on March 29, 2005.<sup>i</sup> One change is that all facsimile-transmitted correspondence specifically directed to the Office of Initial Patent Examination must now be sent to the Central FAX number as the prior exceptions relating to facsimile-transmitted requests for corrected filing receipts and responses to Notices to File Missing Parts have been eliminated. Exceptions were added at the end of Lists I and II for correspondence for the Office of Enrollment and Discipline and correspondence for the Office of Finance. List I, exception 8 was updated to reflect that a drop box is now located at the guard station in the Knox building for hand-carried petitions for a foreign filing license pursuant to 37 CFR 5.12(b) for which expedited handling is requested, and hand-carried petitions for a retroactive license under 37 CFR 5.25. List II, exception 6 was updated to reflect that the facsimile number exception for correspondence related to reexamination proceedings other than the initial request now applies to *ex parte* reexamination as well as *inter partes* reexamination proceedings.

**List I – Exceptions for Certain Hand Carried Correspondence**

Current exceptions: Only the following types of correspondence may be delivered (hand-carried) to the specific location provided below instead of the Customer Service Window. If correspondence listed below is carried to the Customer Service Window, the correspondence will be accepted and routed to the appropriate office.

1. Access Requests: Requests for access to patent application files may continue to be hand carried to the File Information Unit (FIU) in Room 2E04, 2900 Crystal Drive (South Tower), Arlington VA 22202. Requests for access to patent application files that are maintained in the Image File Wrapper system and that have not yet been published may also be hand carried to the Public Search Facility on the 1st floor of the Madison East building, 600 Dulany Street, Alexandria VA 22314.

2. Patent Term Extensions under 35 U.S.C. § 156: Patent term extension applications under 35 U.S.C. 156 (Hatch/Waxman) may be hand-carried to the Office of Patent Legal Administration (OPLA) in Room 7D85, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the OPLA at either 571-272-7744 or 571-272-7746 for delivery assistance.

3. Assignments to be Recorded: Assignments may be hand-carried to the Office of Public Records Customer Service Window on the 2nd floor of the South Tower building, 2900 Crystal Drive, Arlington VA 22202.

4. Office of General Counsel: Correspondence for the Office of General Counsel may be hand-carried to the Office of General Counsel in Room 10C20, 600 Dulany Street (Madison East building), Alexandria VA 22314. At the guard station in Madison East (near the elevators), the security guard should call the Office of General Counsel at 571-272-7000 for delivery assistance.

5. Solicitor's Office: Correspondence for the Solicitor's Office may be hand-carried to the Solicitor's Office in Room 8C43, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Solicitor's Office at 571-272-9035 for delivery assistance.

6. Interference related correspondence: Correspondence relating to interferences may be hand-carried to the 1st floor lobby of Madison East building, 600 Dulany Street, Alexandria VA 22314, where a drop-off box for hand-carried documents to be filed with the Board of Patent Appeals and Interferences is located. Customers need to pass through the magnetometer and have the materials passed through the x-ray sensors before placing them in the drop-off box. The drop-off box is for Interference related correspondence ONLY. Boxes are not permitted in the drop-off box. Boxed materials should be hand-carried to Madison East, Room 9B55-A using the following procedures. At the first floor guard station in Madison East (near the elevators), the security guard should call the Board of Patent Appeals and Interferences at 571-272-9797 to obtain authorization to allow entry into the building for delivery to Room 9B55-A. Access

to Room 9B55-A is available on business days from 8:30 a.m to 4:45 p.m. only. Documents/boxes hand-carried to the drop-off box or to Room 9B55-A after 4:45 p.m. (EST) will receive the next business day's filing date. Customers desiring a stamped return receipt for their filing need to personally bring their filing and postcard to Room 9B55-A during the hours stated above, or leave the postcard with the filing (postcard must include correct postage mail stamp and the address where the postcard it to be mailed). The Board will stamp the filing date and mail the postcard to the customer.

7. Secrecy Order: Applications subject to a secrecy order pursuant to 35 U.S.C. 181, or which are national security classified, and correspondence related thereto, may be hand-carried to the Licensing and Review location. See 37 CFR §§ 5.1(c) and 5.2(c). The Licensing and Review location is: Technology Center 3600, Room 4B31, 501 Dulany Street (Knox building), Alexandria VA 22314. At the guard station in Knox (near the elevators), the security guard should call Licensing and Review at 571-272-8203 for delivery assistance.

8. Expedited Foreign Filing License Petitions: Petitions for a foreign filing license pursuant to 37 CFR 5.12(b) for which expedited handling is requested and petitions for a retroactive license under 37 CFR 5.25, may be hand-carried to the drop box located at the guard station in the Knox building. Upon approaching the guard station, the delivery personnel should state their desire to drop off the request. Correspondence packages will be inspected/scanned before being placed in the drop box. All requests should identify a fax number, telephone number and mailing address. All responses to the request will be sent by fax, followed by a mailed copy. If a fax number is not available, a hardcopy will be mailed to the mailing address provided.

9. Petitions to Withdraw from Issue: Petitions to Withdraw from Issue may be hand carried to the Office of Petitions on the 7th floor of the Madison West building, 600 Dulany Street, Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Office of Petitions at 571-272-3282 for delivery assistance. Hand carried papers will be accepted on business days between the hours of 8:30 a.m. until 3:45 p.m.

10. Documents requested by the Office of Patent Publication: Documents requested by the Office of Patent Publication may be hand carried to the Office of Patent Publication in Room 8A24, 2900 Crystal Drive (South Tower building), Arlington VA 22202, during business hours.

11. Office of Enrollment and Discipline (OED): Correspondence for the Office of Enrollment and Discipline may be hand-carried to the receptionist at Room 8C43-B, 600 Dulany Street (Madison East building), Alexandria VA 22314. At the guard station in Madison East (near the elevators), the security guard should call the Office of Enrollment and Discipline at 571-272-4097 for delivery assistance.

12. Office of Finance: Refund requests, deposit account replenishments, and maintenance fee payments may be hand-carried to the Office of Finance receptionist in Suite 300, 2051 Jamieson Avenue (Carlyle Place building),

Alexandria, VA 22314. Hand-carried correspondence will only be accepted, and not processed. Although the receptionist will not process any correspondence, if the correspondence is delivered with an itemized postcard, the receptionist will provide a delivery receipt by date stamping the postcard. Depending on whether the correspondence is a refund request, deposit account related (e.g., a deposit account replenishment), or maintenance fee related (e.g., a maintenance fee payment), the correspondence should be placed in an envelope with REFUND, DEPOSIT ACCOUNT, or MAINTENANCE FEE written in dark ink across the envelope.

#### List II - Exceptions for Certain Facsimile Transmitted Correspondence

For each Office location listed below, only the particular type of correspondence indicated may be transmitted to the specific facsimile number at that Office location. All other types of facsimile transmitted correspondence must be sent to the Central FAX number (571-273-8300).

1. PCT Operations and PCT Legal Administration: Correspondence subsequent to filing in an international application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority:

Papers in international applications: 703-305-3230 facsimile number  
Response to Decisions on Petition: 571-273-0459 facsimile number.

Note: An international application for patent or a copy of the international application and the basic national fee necessary to enter the national stage, as specified in 37 CFR 1.495(b), may NOT be submitted by facsimile. See 37 CFR 1.6(d)(3) (referencing 37 CFR 1.8(a)(2)(i)(D) and (F)). Subsequent correspondence may be transmitted by facsimile in an application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority, but it will NOT receive the benefit of any certificate of transmission (or mailing). See 37 CFR 1.8(a)(2) (i)(E). Correspondence during national stage, subsequent to entry, are handled in the same manner as a U.S. national application.

The PCT Help Desk: 571-273-0419 facsimile number 571-272-4300 telephone number

2. Office of Patent Publication: Payment of an issue fee and any required publication fee by authorization to charge a deposit account or credit card, and drawings: 703-746-4000 facsimile number

Note: Although submission of drawings by facsimile may reduce the quality of the drawings, the Office will generally print the drawings as received.

Office of Patent Publication telephone numbers to check on receipt of payment: 703-308-6789 or 1-888-786-0101

3. Office of Pre-Grant Publication



Petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and Requests for express abandonment under 37 CFR 1.138: 703-305-8568 facsimile number

Pre-Grant Publication Division telephone number for questions relating to the publication of patent applications: 703-605-4283. Questions may also be directed by e-mail to [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

4. Electronic Business Center (EBC)

Requests for Customer Number Data Change (PTO/SB/124), and Requests for a Customer Number (PTO/SB/125): 571-273-0177 facsimile number

Note: The EBC may also be reached by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov).

EBC telephone number for customer service and assistance: 866-217-9197

5. Assignment Branch

Assignments or other documents affecting title: 703-306-5995 facsimile number

Note: Customers may submit documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their facsimile machine. (Assignment documents submitted through the Electronic Patent Assignment System also permits the recordation notice to be faxed to customers.) Credit card payments to record assignment documents are now accepted, and use of the Credit Card form (PTO-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by an authorization to charge a USPTO deposit account or credit card may be submitted via facsimile. Please refer to the USPTO Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Assignment Branch telephone number for assistance: 703-308-9723

6. Central Reexamination Unit (CRU)

*Ex parte* and *Inter partes* reexamination correspondence, except for the initial request: 571-273-0100 facsimile number

Note: Correspondence related to reexamination proceedings will be separately scanned in the CRU.

CRU telephone number for customer service and inquiries: 571-272-7705

7. Board of Patent Appeals and Interferences

Correspondence related to pending interferences permitted to be transmitted by facsimile (only where expressly authorized, see 37 CFR 1.6(d)(9)): 571-273-0042 facsimile number

Note: Correspondence should not be transmitted to this number if an interference has not yet been declared.

8. Office of the General Counsel

Correspondence permitted to be transmitted to the Office of General Counsel: 571-273-0099 facsimile number

9. Office of the Solicitor

Correspondence permitted to be transmitted by facsimile to the Office of the Solicitor: 571-273-0373 facsimile number

10. Licensing and Review

Petitions for a foreign filing license pursuant to 37 CFR 5.12(b), including a petition for a foreign filing license where there is no corresponding U.S. application (37 CFR 5.13):

571-273-0185 facsimile number

Note: Correspondence to be filed in a patent application subject to a secrecy order under 37 CFR Sec. 5.1 through 5.5 and directly related to the secrecy order content of the application may NOT be transmitted via facsimile. See 37 CFR Sec. 1.6(d)(6).

11. Office of Petitions

Petitions to Withdraw from Issue: 571-273-0025 facsimile number

Note: All other types of petitions must be directed to the Central FAX Number (571-273-8300). Petitions to Withdraw from Issue sent to the Central FAX Number should be marked "Special Processing Submission".

12. Office of the Enrollment and Discipline

Correspondence permitted to be transmitted to the Office of Enrollment and Discipline: 571-273-0074 facsimile number

13. Office of Finance

Refund requests, deposit account inquiries, and maintenance fee payments: 571-273-6500 facsimile number

Office of Finance telephone number for customer service and inquiries: 571-272-6500

Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.

6/20/05 /s/

***Response to Arguments***

18. Applicant's arguments with respect to claims 10, 12, and 14 have been considered but are moot in view of the new grounds of rejection.

19. Applicant's arguments filed June 10, 2005 have been fully considered but they are not persuasive.

During examination before the Patent and Trademark Office, claims must be given their broadest reasonable interpretation and limitations from the specification may not be imputed to the claims (Ex parte Akamatsu, 22 USPQ2d, 1918; In re Zletz, 13 USPQ2d 1320, In re Priest, 199 USPQ 11). Clear inference to the artisan must be considered, In re Preda, 159 USPQ 342. A prior art reference must be considered together with the knowledge of one of ordinary skill in the pertinent art, In re Samour, 197 USPQ 1. During patent examination, the pending claims must be "*given the broadest reasonable interpretation consistent with the specification.*" Claim term is not limited to single embodiment disclosed in specification, since number of embodiments disclosed does not determine meaning of the claim term, and applicant cannot overcome "*heavy presumption*" that term takes on its ordinary meaning simply by pointing to preferred embodiment (Teleflex Inc. v. Ficosa North America Corp., CA FC, 6/21/02, 63 USPQ2d 1374). Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA1969).

Regarding the new limitation of storing the control data and/or accessory version ID without connection to the communication device, **Nordwall** clearly

states, "The parameter values are retrieved by the same or a **different mobile station** on a subsequent occasion and used to perform the ancillary function without having to recalculate the parameter values."

And, "When the accessory item is connected to the subscriber station **one or more of the parameter values stored in the memory** of the accessory are provided to the subscriber station as part of the performance of the ancillary function by the accessory. In one embodiment, the accessory provides hands free mobile subscriber capabilities and in another it provides voice recognition and control capabilities for the mobile subscriber station. In still another embodiment the accessory item is a battery charger."

And, "**In contrast with the prior art systems**, the system of the present invention, illustrated in FIG. 1, provides within a mobile accessory unit 11 itself, **a memory 12 within which is stored parameter values calculated for use in performing the ancillary function of the accessory**. In the case in which the accessory is a hands free unit the parameter values are unique to the acoustic environment in which the accessory item 11 is located. The memory 12 may include reasonable memory devices such as a flash memory or an electronically erasable programmable read only memory (EEPROM)."

**Conclusion**

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Jokimies** discloses a data adapter (2) for a mobile telephone (1) of the type intended to have a subscriber identity module (SIM) inserted therein and capable of supporting a short message service (SMS). The adapter includes means for coupling to the telephone so that data can be transferred therebetween. The coupling means includes a connector configured as a standard SIM, i.e. designed to fit in the SIM interface (3) of the telephone (1). The adapter itself includes means (6,7) for receiving a SIM such that data can be read from or written to the SIM. Means are included in the adapter for converting received data into SMS format thereby enabling the mobile telephone to be used for receiving/transmitting data messages other than normal SMS messages. A data input/output (8) may be provided on the adapter for connection to an external data terminal, e.g. a PC

**Hayashi** shows a car telephone apparatus which can erase the contents of a memory without dismounting the memory from the car telephone apparatus, i.e., with the memory being mounted in the apparatus, and which also can rewrite the contents of the memory by externally transferring modification data. The car telephone apparatus comprises an electrically erasable and rewritable, nonvolatile memory chip, a control means for controlling the erasing/rewriting operation of the memory chip, a means for transferring and collating external

writing data, and a means for externally commanding a series of these control operations.

**Steffensen et al** disclose a cordless telephone which includes a static RAM (50) for storing time management information and a real time clock (52). The time management information which includes telephone numbers and diary information is written into the static RAM (50) using a personal computer (PC) during recharging of the telephone's batteries. In operation, the telephone's microcontroller (40) compares the real time with entries stored in the static RAM (50) and when there is coincidence, an alert is given to the user. Alternatively data entered into the static RAM (50) by a user using a key pad (46) or derived from a received radio telephone link can be read-out to the PC when the batteries are being recharged.

**Hermansson, et al** show a digital mobile communication system comprises a switching center (MSC), a subscriber register (HLR) connected thereto, mobile terminals, such as mobile telephones, and subscriber-linked subscriber's cards, such as smart cards. Each subscription is allocated a subscriber's number and at least two subscriber's cards adapted to be activated so as to open a mobile terminal to incoming as well as outgoing traffic when inserted therein. When one of the subscriber's cards is activated, the other card or cards are necessarily deactivated so as to open a mobile terminal only to outgoing traffic when inserted therein. The subscriber register (HLR) is adapted

to control the activation and the deactivation of the cards by the order of the subscriber.

Miyashita teaches a battery pack device (32) is for use in combination with a portable radio communication device (31) for carrying out a radio communication in accordance with a specific one of a plurality of radio systems. The battery pack device comprises battery section (41) for supplying the portable radio communication device to an electric power when the battery pack section is coupled to the portable radio communication device. A selecting circuit (42e) selects the specific radio system from the radio systems to produce a specific select signal. A control section (42a to 42d) controls man-machine interface section (36 to 40) in response to specific select signal.

**Griffith, et al** teach an apparatus for activating a cellular telephone (10) within a cellular telecommunications network. A PCMCIA card (62) interacts with a controller (50) to display required programming information and questions. A user of the cellular telephone (10) inputs responses to questions on a display (90). The user responses are transmitted to a system administrator at a customer activation center via a mobile telephone switching office in the cellular telecommunications network. The system administrator provides any necessary information for activating the cellular telephone (10). In an alternative embodiment of the invention, a personal computer is connected to cellular telephone (10) and the PCMCIA card (62) is connected to the personal computer. Information for the user may be shown on either the display (90) of the

cellular telephone (10) or on a display of the personal computer. The user may input information and responses to questions via a user input device provided as part of the display (90) or as part of the personal computer. User input is provided to the cellular telephone (10) to activate and program the cellular telephone for operation on the cellular telecommunications network.

**Martineau** displays a prepaid smart card to be used in a wireless telephone network, and methods for prepaying for wireless telephone services, as well as systems for operating a wireless telephone network with prepaid smart cards. The cards, methods and systems permit the use of wireless telephones anonymously, and/or the payment by a user without having a subscription. The invention requires minimal changes to the existing wireless telephone and wireless telephone network, yet provides security against abuse or fraudulent use of the telephone system. Additionally, promotional material may be provided with the prepayments, and persons may prepay into a subscriber's telephone.

**Brogan, et al** display a smart memory card (400, 900, 1000) communicates with a smartcard compatible device (500) and a memory card compatible device (600). The smart memory card includes a processor (402, 902, 1002) which performs smartcard functions and a memory (412, 912, 1004) for use with a memory card device connection which allows memory card compatible device operation. Cellular telephones (1300, 1600) facilitate the use of two types of cards therein.



**Hubbe, et al** exhibit a method of downloading a predetermined list of items into a mobile terminal controlled by a subscriber identity module.

**Lewis, et al** disclose a communication system (20) is provided with multiple purpose personal communication devices (50 and 150). Each communication device (50 and 150) includes a touch-sensitive visual display (60 and 160) to communicate text and graphic information to and from the user and for operating the communication device (50 and 150). Voice activation (78) and voice control capabilities (76) are included within communication devices (50 and 150) to perform the same functions as the touch-sensitive visual display (60 and 160). The communication device includes a built-in modem (82), audio input and output (52 and 53), telephone jacks (86), and wireless communication (90). A plurality of application modules (100) are used with personal communication devices (50 and 150) to perform a wide variety of communication functions such as information retrievable, on-line data base services, electronic and voice mail. Communication devices (50 and 150) and application modules (100) cooperate to allow integrating multiple functions such as real time communication, information storage and processing, specialized information services, and remote control of other equipment into an intuitively user friendly apparatus. The system (20) includes both desktop (150) and hand-held communication devices (50) with the same full range of communication capabilities provided in each type of communication device (50 and 150).

**McGregor, et al** show a mobile telephone programming and accounting system that includes an integrated hardware system interlinking a telephone unit, a telephone interlink receiver, and a central processing unit connected to the interlink receiver. The hardware system also preferably includes a receipt printer and a credit card reader. The telephone unit is preferably equipped with an internal real time clock and calendar circuit and memory store to record the time and date of calls for reporting to the central processing unit to enable tracking and detailed accounting of calls. The interlink receiver in the improved design includes a gang platform for programming multiple phone units, which may be phone units of different manufacturers, and provides for automatic programming of the multiple units and, in the retail distribution setting, programming the operating parameters and assignment of the phone unit to a service provider with encryption keys to reduce service churning.

**Criss, et al** teach a wireless communication system includes a system backbone, a host computer coupled to the system backbone, at least one base station coupled to the system backbone, the at least one base station including a base station transceiver for communicating wirelessly with mobile devices within the system, and at least one mobile device having a mobile device transceiver for communicating wirelessly with the host computer on the system backbone via the at least one base station. A method of operation includes the steps determining whether a version of operating software stored in the at least one mobile device is a current version of the operating software, and wirelessly

updating the operating software stored in the at least one mobile device if it is determined that the operating software stored in the at least one mobile device is not the current version.

**Phillips, et al** display a system and method for tracking user patterns, getting debug information from retail devices in use, and gathering data automatically into a central location where it is processed automatically. Information pertaining to the state of the system at the time a failure occurred on a mobile device is accessible by a developer in a disconnected mode. In addition, usage patterns are ascertainable from the data gathered.

21. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is 571-272-7861. The examiner can normally be reached on Monday-Wednesday, 11:00am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
WILLIAM D. CUMMING  
Primary Examiner  
Art Unit 2683

wdc



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

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